REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 8, 2007. At the time of the Office Action, Claims 6-15 were pending in this Application. Claims 6-15 were rejected. Claim 6 has been amended to correct an informality. Claims 1-5 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 6, 10, 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,445,963 issued to Terrence L. Blevins et al. ("Blevins"), and in view of U.S. Patent 6,564,329 issued to Edmund Choung et al. ("Choung"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 6-9, 11, 12, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Blevins in view of Choung, and further in view of U.S. Patent 6,778,971 issued to Steven J. Altschuler ("Altschuler"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The Examiner stated that a person skilled in the art would combine the teachings of *Blevins* and *Cheung*. Applicant respectfully disagrees. The Examiner did not provide for any reason why a person skilled in the art of automation technology would consider the specific teachings related to semiconductors, in particular, to application specific integrated circuits (ASIC). Even though, industrial controllers might include integrated circuits, the specific technology of semiconductor's, in particular, ASICs is very different from automation technology.

Cheung at no time refers to devices used in the automation technology, such as, industrial controllers, technical processes or other automation components. On the contrary, *Cheung* merely mentions consumer devices, such as, a PALM PILOT organizer, digital cameras, smart phones and other portable electronic devices which use such ASICs. *See, Cheung*, col. 1, lines 12-22. Thus, a person skilled in the art of automation systems would never consider *Cheung*.

Moreover, *Blevins* does not teach to select one of a plurality of clocks from different sources for an industrial controller. Thus, it is completely unclear why a person skilled in the art would suddenly refer to a publication not related to automation systems that teaches an internal clock select within an ASIC and apply that teaching to *Blevins'* system. The Examiner did not explain what would motivate a person skilled in the art to provide a clock selection to the system of *Blevins*. Hence, Applicant respectfully disagrees with the above mentioned rejection.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants

A. Grubert

Andreas Grubert
Registration No. 59,143

Date: 4/5/07

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2545
512.322.8383 (fax)